**ENFORCEMENT NOTICE**
**MATERIAL CHANGE OF USE**

**IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY**

TOWN AND COUNTRY PLANNING ACT 1990 (as amended by the Planning and Compensation Act 1991)

**ENFORCEMENT NOTICE**

ISSUED BY: TAUNTON DEANE BOROUGH COUNCIL

1. THIS IS A FORMAL NOTICE which is issued by the Council because it appears to them that there has been a breach of planning control, under section 171A(1)(a) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations.

2. THE LAND AFFECTED

The land at Two Acres, Ford Street, Wellington, shown edged red on the attached plan.

3. THE BREACH OF PLANNING CONTROL ALLEGED

Without planning permission, the change of use of the land at Two Acres, Ford Street, Wellington for the stationing of a mobile home and touring caravans.

4. REASONS FOR ISSUING THIS NOTICE

It appears to the Council that the above breach of planning control has occurred within the last ten years.

The site lies outside, and remote from, the recognised limits of any settlement as identified in the Somerset and Exmoor National Park Joint Structure Plan, West Deane Local Plan and Taunton Deane Local Plan Revised Deposit where it is the policy to strictly control development to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel. The Local Planning Authority considers that the proposal does not meet these requirements sufficient to warrant an exception being made. The proposal is therefore in conflict with Somerset and Exmoor National Park Joint Structure Plan Policy STR6, West Deane Local Plan Policy WD/SP/2 and Taunton Deane Local Plan Revised Deposit Policy S8.

The Somerset and Exmoor National Park Joint Structure Plan Policy 36 requires the provision of sites for gypsies to be within a reasonable distance of a settlement providing local services and facilities. The application site is approximately 1.5 miles from the nearest primary school and further to other community facilities. The Local Planning Authority considers that this is too great to be regarded as a reasonable distance and consequently this proposal is in conflict with the policy.

The Taunton Deane Local Plan Revised Deposit Policy H16 allows for the provision of gypsy sites outside settlement limits subject to the compliance with 10 criteria. In the opinion of the Local Planning Authority the proposal is in conflict with the following criteria:- (B) there is no safe and convenient access by bus, cycle or on foot to schools or other community facilities; (C) the development is clearly visible from outside the site and this is detrimental to the existing character of the area; and (I) the site is within an Area of Outstanding Natural Beauty.

The proposed development is located where it is remote from adequate services, employment, education, public transport, etc, with no public transport links, cycleways or footpaths and it will therefore increase the need for journeys to be made by private motor vehicles, which is non-sustainable and in conflict with advice given in Planning Policy Guidance 13, Policy STR1 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy S1(B) of the Taunton Deane Local Plan Revised Deposit.

The access road, by reason of its restricted width, poor alignment and sub-standard junction with the classified un-numbered road, is considered unsuitable to serve as a means of access to the proposed development.

The site is within the designated area of the Blackdown Hills Area of Outstanding Natural Beauty where it is the policy of the Local Planning Authority to safeguard the exceptional landscape and wildlife quality of the countryside through the strict control of development. In the opinion of the Local Planning Authority, the proposal would constitute a visual intrusion and generate additional traffic movements, which would be detrimental to the amenities of the Area of Outstanding Natural Beauty and would therefore be contrary to Policy 3 of the adopted Structure Plan. (Policy 3 of the Somerset and Exmoor National Park Joint Structure Plan Review, Policy WD/EC/13 of the West Deane Local Plan and Policy EN10 of the Taunton Deane Local Plan Revised Deposit).

The Council does not consider that planning permission should be given because planning conditions could not overcome these problems.

5. WHAT YOU ARE REQUIRED TO DO

(i) Stop using the land at Two Acres, Ford Street, Wellington for the stationing of a mobile home and touring caravans.

Time for compliance: By 30 April 2005.

(ii) Remove from the land the mobile homes and touring caravans and restore the land concerned to the condition it was in before the breach of planning control.

Time for compliance: By 30 April 2005.

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 8 November 2004 unless an appeal is made against it beforehand.

Dated: 6 October 2004

Signed: 

on behalf of: TAUNTON DEANE BOROUGH COUNCIL

The Deane House
Belvedere Road
TAUNTON

YOUR RIGHT OF APPEAL

You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the First Secretary of State before 8 November 2004. The enclosed booklet “Making your enforcement appeal" sets out your rights. Read it carefully. You may use the enclosed appeal forms. One is for you to send to the First Secretary of State if you decide to appeal. The other should be sent to the Chief Executive at Taunton Deane Borough Council. You should also send the First Secretary of State the spare copy of this enforcement notice which is enclosed.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on 8 November 2004 and you must then ensure that the required steps for complying with it for which you may be held responsible, are taken within the period[s] specified in the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.




Plan not to Scale

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Taunton Deane Borough Council LA079677

TAUNTON DEANE BOROUGH COUNCIL